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Human rights and cultural diversity

Report of the Secretary-General**

Summary

The present report is submitted in accordance to General Assembly resolution 57/204 of 10 February 2003 entitled "Human rights and cultural diversity" by the General Assembly. Further to the resolution, the Secretary-General sent a note verbale dated 13 June 2003 to Member States, relevant United Nations agencies and non-governmental organizations, inviting them to transmit any information and comments relevant to the subject "human rights and cultural diversity". As of 4 August 2003, ten replies had been received and are summarized in the present report. The full text of the replies are available in the Secretariat for consultation upon request.

* A/58/150.

** The document was submitted after the deadline, so as to include as much information as possible.

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I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 57/204 of 10 February 2003, which the Secretary-General is requested to prepare a report on human rights and cultural diversity, taking into account the views of Member States, relevant United Nations agencies and non-governmental organizations, as well as the considerations in the resolution regarding the recognition and importance of cultural diversity among all peoples and nations in the world, and to submit the report to the Assembly at its fifty-eighth session.

2. In accordance with resolution 57/204, the Secretary-General, in a note verbale dated 13 June 2003, invited Member States, relevant United Nations agencies and non-governmental organizations to transmit any information and comments relevant to the subject matter. As at 4 August 2003, replies had been received from the Governments of Argentina, Guatemala and the Syrian Arabic Republic. Replies were also received from the European Commission, the United Nations Conference on Trade and Development (UNCTAD), the United Nations Environment Programme (UNEP), the United Nations Children's Fund (UNICEF), the United Nations Population Fund (UNFPA), the Joint United Nations Programme on HIV/AIDS (UNAIDS), and the United Nations Educational, Scientific and Cultural Organization (UNESCO). These replies are summarized below; the full texts are available at the Secretariat. Information received after the submission of the present report will be reproduced in the original languages of submission as addenda to the report.

II. Replies received from Governments

Argentina

[Original: Spanish]
[11 July 2003]

3. Respect for cultural diversity is reflected in several legal provisions. In the constitutional reform undertaken in 1994, the rights of indigenous peoples were taken into account in article 75 of the Constitution, which constituted significant progress in recognizing the cultural and ethnic diversity of the country. The Constitution recognizes the cultural, historical and ethnic identities of the indigenous peoples of Argentina, as well as their traditional land rights, and guarantees indigenous peoples' the right to participate in the administration and management of their natural resources and other matters affecting them. The right of indigenous peoples to transmit their culture through bilingual education is also recognized.

4. Furthermore, in 2000, Argentina ratified International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries. In doing so, Argentina has adhered to one of the most advanced international standards concerning indigenous peoples' rights, affirming its firm commitment to recognize and respect the rights of indigenous peoples, as set forth in the provisions of the Convention.

Guatemala

[Original: Spanish]
[16 July 2003]

5. The Government of Guatemala provided comprehensive information and a list of activities undertaken or supported by the Government with regard to cultural diversity. The information covers progress made in recent years concerning the preservation of cultural diversity, a national strategy of cultural policy and a brief overview of several organizations working on issues related to, and with the indigenous Mayan people. The Government of Guatemala reaffirms its commitment to the promotion of human rights and cultural diversity in line with the principles adopted in General Assembly resolution 57/204, with special attention given to indigenous peoples' cultures and traditions.

6. Regarding the progress made recently on cultural diversity, the Government of Guatemala provided information on the new laws promulgated in 2001 and 2002 on social and family policy, urban and rural development, recognition of indigenous languages and bilingual education. The training of bilingual teachers and the writing of bilingual school textbooks are ongoing. The National Commission against Racism and Discrimination against Indigenous Peoples was established, with one of its immediate tasks being to formulate policy to assist the Government to eliminate racism.

7. In 2000, the Government of Guatemala organized the National Congress on the Principles of Cultural Policy, in which more than 600 people from all regions of the country, including representatives from all indigenous communities, participated. Recommendations were addressed to the Government for its cultural policy-making. One of the recommendations was that the Government integrate a cultural dimension into a sustainable development programme with the participation of local organizations and civil society. In addition, emphasis was placed on the promotion of various forms of cultural creation and expression, strengthening the monitoring mechanism for the protection and promotion of cultural heritage, implementation of legal standards with regard to cultural heritage, support of the participation of population in the protection and rehabilitation of cultural heritage and international cooperation in the field of cultural and ecological tourism.

8. A number of measures have been undertaken by the Government of Guatemala to strengthen cultural institutions so that they can be better equipped, funded and coordinated, thereby protecting cultural heritage more effectively. Special attention has been given to mechanisms and institutions which focus on youth, women, minority and indigenous communities. Moreover, the Government intends to take action to review current legislation, with a view to better reflecting the multi-ethnic and multicultural reality of the country.

9. Finally, the Government of Guatemala provided information on Mayan organizations and their activities relating to education and culture.

Syrian Arab Republic

[Original: Arabic]
[26 June 2003]

10. The Syrian Arab Republic reiterates its commitment to protect cultural diversity and its recognition of the contribution of cultural diversity to the promotion and protection of human rights, acknowledging that all cultures and civilizations share a common set of universal values. The Government believes that it is important to welcome cultural, ethnic, religious and linguistic diversity as well as dialogue between and among civilizations in order to build bridges between all cultures and nations.

III. Replies received from intergovernmental organizations

European Commission

11. The European Commission reiterates that the preservation and promotion of cultural diversity are among the founding principles of the European Union, as enshrined in its Treaty and Charter, which apply to both internal and external dimensions of European Union action. Recognition, preservation and promotion of cultural diversity constitute an important contribution to sustainable development, peaceful coexistence and dialogue between cultures. European Union policy is to support and implement the United Nations Educational, Scientific and Cultural Organization Universal Declaration on Cultural Diversity within and outside Europe, including through developing local cultural industries and improving the distribution of cultural products from developing countries.

12. The European Union has repeatedly affirmed that human rights and democratization, including the rights of cultural, linguistic and religious minorities, are part of its dialogue with third countries. This dialogue takes place, among others, in cooperation with the Commission on Human Rights and the General Assembly.

13. Among the initiatives the European Union has been undertaking are the Europe-Mediterranean intercultural dialogue programme, which consists of a wide range of projects, and the European Initiative for Democracy and Human Rights, with a view to supporting advocacy for the rights of minorities and against discrimination, racism, xenophobia and intolerance in the European Union member States. The implementation of the European framework against racism and discrimination is also backed up by a five-year action programme (2001-2004) with a significant budget allocation.

IV. Replies received from the United Nations system

United Nations Conference on Trade and Development

14. The secretariat of UNCTAD provided updated information on the activities on the protection of traditional knowledge, as part of its work in the area of trade and environment, within the framework of the Johannesburg Plan of Implementation adopted by the World Summit on Sustainable Development. The emphasis has been

on exchanging national experiences on policies and measures, with a view to protecting traditional knowledge; recognizing the rights of local and indigenous communities as the holders of traditional knowledge; and developing and implementing benefit-sharing mechanisms for the use of such knowledge. UNCTAD is also encouraging developing countries and countries in transition in their efforts to develop national sui generis systems, by providing technical and financial assistance.

15. UNCTAD has been participating actively in the implementation of the Convention on Biological Diversity and initiatives of the World Intellectual Property Organization with regard to traditional knowledge. More information can be found on the web site http://r0.unctad.org/trade_env/test1/openF1.htm and in United Nations document A/57/311. In April 2003, UNCTAD and the Government of India organized an international seminar on systems for the protection and commercialization of traditional knowledge. The seminar examined experiences of developing countries in protecting traditional knowledge and discussed strategies for commercialization, particularly of traditional medicine and paradigms for international protection regimes. UNCTAD will also join forces with the Commonwealth Secretariat to organize a workshop aimed at delineating elements of national sui generis systems for the preservation, protection and promotion of traditional knowledge, as well as exploring international dimensions.

United Nations Environment Programme

16. In outlining its programme and activities with specific focus on the special needs of indigenous peoples worldwide for the protection of the environment, UNEP states that, since indigenous peoples are significantly dependent on their immediate environment for survival, they are particularly vulnerable to environmental threats. For many indigenous peoples, the degradation and destruction of their environment, sometimes caused by development projects, especially in the areas of infrastructure, mining, tourism and dams, are direct violations of their human rights. Examples have been found in many countries of indigenous peoples that have been forcibly displaced from their traditional lands and territories. Such displacement severely threatens not only the indigenous peoples' lifestyles, but also goes so far as to endanger their existence and survival.

17. UNEP considers that there is an urgent need for recognition of the close connection between the problems of loss of biological diversity, the weakening of cultural diversity and poverty. These elements are also relevant to sustainable development and therefore require a holistic and more comprehensive approach for action at all levels. Therefore, efforts to eradicate poverty should include protecting the biological basis that supports the life of the poor and providing them with opportunities for improving their welfare, while preserving their cultural identity and dignity. This, in turn, is directly related to the protection of human rights.

18. According to UNEP, more than two million deaths and billions of cases of diseases annually can be attributed to pollution. Half a billion persons, mainly children and women in poor rural areas, live and work in severely polluted environments, and 500 million premature deaths annually can be attributed to the high levels of contamination in cities. These facts indicate that the right to life and the right to health, as the most important and fundamental of human rights, are

seriously affected by environmental degradation. With a view to addressing the balance between environment and peoples, in 1999, UNEP published the book entitled "Cultural and Spiritual Values of Biodiversity", which complemented the Global Biodiversity Assessment and demonstrated that respect for cultural diversity in all its dimensions is a prerequisite to safeguarding the environment.

19. A number of other initiatives has been undertaken to link the protection of the environment and human rights issues. For example, a joint UNEP-Office of the United Nations High Commissioner on Human Rights expert seminar on human rights and the environment was held in early 2002 in Geneva. The report is contained in document E/CN.4/2002/WP.7. During the World Summit on Sustainable Development, held in Johannesburg from 24 August to 4 September 2002, UNEP and UNESCO organized a high-level round table on cultural diversity and biodiversity for sustainable development.

20. As requested during the twenty-second session of the UNEP Governing Council (decision UNEP.GC22/16), UNEP will further examine the issue of environment and cultural diversity, together with relevant stakeholders and UNESCO, and present its recommendations to the Governing Council at its twenty-third session in 2005.

21. UNEP also referred to the concept of environmental justice, addressed, inter alia, by the Global Judges Symposium on Sustainable Development and the Role of Law, which held a special session on environmental justice, human rights and the rule of law in Johannesburg in August 2003.

United Nations Children's Fund

22. The UNICEF approach to human rights and cultural diversity is guided by the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, its mission statement and the outcome documents adopted at the special session of the General Assembly on children held in May 2002. Those documents recognized the importance of cultural diversity and human rights, both as an end to prevent discrimination and violence, and a means to ensure the full development of the child. The Convention on the Rights of the Child lays down the right to non-discrimination, the right of the child to have his or her own culture preserved, the right of the child to express his or her culture and participate in cultural life, the right of the child to know other cultures and the right of the child to be protected from harmful cultural practices. The UNICEF human rights-based approach to programming implies that respect for cultural traditions, to the extent that they are not harmful to the child, is essential for the effectiveness of all actions and is a crucial element for the realization of children's rights.

23. The UNICEF medium-term strategic plan for the period 2002-2005 envisions "a world where the safety and well-being of each child are priorities, where gender, religion and ethnicity are differences that enrich the world, and where children are taught to respect each person's dignity". It also underlines that education should respect a child's cultural heritage, and that education programmes should fully reflect the promotion and protection of human rights and tolerance, gender equality, the need to end harmful traditional or customary practices, such as early and forced marriage, and female genital mutilation. The Strategy Plan highlights the issue of discrimination regarding the child's access to basic social services and states the

need to intervene for the reduction of physical and psychological violence against children, including cases of harmful traditional practices.

24. UNICEF has been actively advocating for an end to discrimination against minority children. In this regard, various projects have been or are being implemented in Eastern European countries and the Commonwealth of Independent States. Concerning the participation of children as a means of enhancing the effectiveness of programmes, and promoting exchange and communication between children, UNICEF has developed "Voices of Youth", a web site intended to promote dialogue between youth from all over the world. In addition, many UNICEF programmes implemented at the subregional level promote intercultural dialogue as means of combating discrimination against indigenous children.

25. According to UNICEF, multicultural education is important in order to provide quality education for every child. In this regard, the policies or practices of State education systems should reflect not only the culture and language of the majority, but also the cultures, histories and languages of ethnic minorities or indigenous peoples for all children. UNICEF has supported bilingual and multicultural education programmes for indigenous children in several countries in Latin America, assisted education for Roma children in Eastern Europe and supported the inclusive education for San children in Namibia.

26. UNICEF deems peace education to have a place in all societies and not only in countries affected by armed conflict. Education for conflict resolution initiatives are currently being implemented in more than 20 countries, covering a wide range of activities to promote democratic youth leadership, training of child broadcasters and parents' education for conflict mediation and non-violence. For example, in Indonesia, UNICEF has supported the development of a peace education curriculum to introduce peace-building and conflict resolution into schools in the war-torn province of Aceh. In 2002, more than 22,000 students benefited from the curriculum intended to promote non-violence, conflict resolution and a basic understanding of human rights among youth and school children in public and private schools.

27. Non-discrimination should imply the implementation of culturally sensitive policies addressing cultural barriers, which hinder access to services in culturally diverse countries. On the one hand, in several countries, UNICEF has supported culturally sensitive programmes to promote health and safe motherhood in indigenous communities. On the other hand, UNICEF has been acting to end those traditional practices that are harmful to the health of women and children, in accordance with the Convention on the Rights of the Child and other human rights instruments. UNICEF believes that cultural practices are only acceptable to the extent that they are in compliance with human rights and fundamental freedoms.

United Nations Population Fund

28. UNFPA provided information on the implementation of the Programme of Action of the International Conference on Population and Development adopted in Cairo in 1994, with regard to addressing the specific needs of indigenous populations in all aspects of population and development, including their needs in reproductive health care. In this respect, the approved review entitled "Key actions for the further implementation of the Programme of Action of the International Conference on Population and Development" reaffirms that Governments should

promote and respect the rights of indigenous people with particular reference to their cultures, resources, belief systems, land rights and languages, and should expand their access to youth and adult education learning policies and programmes, as well as reproductive health-care services. Emphasis is placed on addressing the access of indigenous women and girls to basic social services, including information, education, and sexual and reproductive health services. UNFPA efforts have also been directed at incorporating the perspectives and specific needs of indigenous communities into the design, implementation, monitoring and evaluation of the population, development and environment programmes affecting them.

29. UNFPA national and regional projects specifically target indigenous peoples in Bolivia, Ecuador, Panama and Peru and rural communities in India, Mexico, Uganda and Viet Nam. Recent efforts have been expanded to include the provision of bilingual literacy programmes, with literacy training in native languages, as well as in the country's official language. Furthermore, UNFPA has been promoting good practices in several countries, such as Bolivia, Ecuador, Mexico, and Peru to encourage the effective participation of women in economic and social life through literacy programmes in local languages and to support community capacity-building on the prevention of sexually transmitted infections and HIV/AIDS.

30. UNFPA has also made recommendations in relation to the implementation of General Assembly resolution 57/204. They call upon United Nations agencies to integrate a gender perspective in all policies and programmes affecting women's health, and to involve women in the planning, implementation and monitoring of such policies and programmes and in the provision of health services. UNFPA has recommended that Governments, in collaboration with research institutions and non-governmental organizations and with the assistance of the international community, strengthen national information systems to produce reliable statistics and disaggregated information on a broad range of population and environment-related issues and develop indicators in a timely manner. The indicators should include, inter alia, poverty measures at the community level, women and girls' access to social and economic resources, enrolment and retention of girls and boys in schools and access to sexual and reproductive health information, education and services.

Joint United Nations Programme on HIV/AIDS (UNAIDS)

31. Many aspects of the work of UNAIDS deal with cultural diversity and human rights. UNAIDS considers that explanations of the causes and consequences of HIV/AIDS vary from culture to culture, based on different perceptions and values, as well as myths. These cultural perspectives affect the prevention and care that are developed and applied. Paying attention to them will ensure the designing of culturally appropriate HIV/AIDS programmes. Therefore, in recognizing that some groups are vulnerable to HIV/AIDS because of their marginalization, the UNAIDS programme has been taking into account the dignity and value of each cultural community in its programming and involves communities, in order to ensure that its work is culturally acceptable and understood. Moreover, UNAIDS believes that the programme should encourage and include the identification of elements within cultural norms and values that are supportive and encourage the adoption of alternative measures to some cultural norms or values that hinder effective responses to HIV/AIDS-related issues.

United Nations Educational, Scientific and Cultural Organization

32. UNESCO action in the field of human rights and cultural diversity includes international standard-setting and implementation of various programmes within its mandate and areas of competence as outlined below.

33. The Universal Declaration on Cultural Diversity, adopted in 2001, recognizes the complex landscape of cultural differences and stresses the need to maintain cultural diversity. It also underlines the fact that cultural diversity must not be allowed to serve as a pretext for infringing on fundamental human rights, or for promoting cultural relativism. One of the Declaration's aims is to avoid segregation and fundamentalism which, in the name of cultural traditions, crystallize differences and infringe the principles of the Universal Declaration of Human Rights. The Action Plan on Cultural Diversity focuses, inter alia, on: (a) safeguarding the linguistic heritage of humanity and providing support to expression, creation and dissemination in the greatest possible number of languages; and (b) encouraging linguistic diversity — while respecting the mother tongues — at all levels of education, including promoting linguistic diversity in cyberspace.

34. During the World Summit on Sustainable Development, held in 2002, UNESCO assessed the contribution made by the World Conference on Cultural Policies, held in Mexico City in 1982, the World Decade for Cultural Development (1988-1997), the 1996 report on the World Commission on Culture and Development (Our Creative Diversity), the Stockholm Intergovernmental Conference on Cultural Policies for Development, held in 1998 and the 2001 UNESCO Declaration on Cultural Diversity. Several member States recommended that the drafting of an international convention on cultural diversity be mandated to UNESCO. This initiative reflected emerging problems of the new century that should be addressed, such as cultural diversity and globalization and the need to protect cultural diversity. At its 166th session in April 2003, the Executive Board of UNESCO examined the document on legal and technical aspects of a possible international convention on cultural diversity and recommended that the item be placed on the agenda of the session of the General Conference in September 2003.

35. The inter-religious dialogue programme was launched in 1995 together with the "Roads of Faith" project, aimed at promoting dialogue among different religions and spiritual traditions in a world where inter-religious or intra-religious conflicts were becoming more widespread as a result of ignorance or a lack of understanding of other cultures, beliefs and ways of life. The programme promotes mutual understanding between religious and cultural pluralism and takes into account the need for the protection of religious minorities.

36. Cultural diversity has been recognized as a source of enrichment of all human societies. In this respect, UNESCO initiated the exchange of experiences and good practices relating to cultural pluralism, including a pilot project on the mapping of indigenous communities' cultural resources, including languages and oral traditions. UNESCO will support other similar projects in Colombia, Gabon, the Philippines and South Africa.

37. UNESCO has been assisting member States in defining strategies for tourism that respect local cultures and contribute to development. These include enhancing understanding of the complex phenomenon of tourism and the sharing of best practices and policies, with a view to strengthening national and local capacities so

as to achieve a comprehensive approach, encompassing the economic, social, cultural and ethical dimensions of tourism.

38. The UNESCO-UNAIDS joint project, entitled "A cultural approach to HIV/AIDS prevention and care", launched in 1998, has stimulated discussion on prevention of the disease from the cultural perspective, including interaction between cultural norms and practices and issues related to HIV/AIDS.